

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID S. HENDRICKS.

CASE NO. C11-0508JLR

Plaintiff,

ORDER

V.

DAN SPANGLER,

Defendant.

Before the court is Plaintiff David S. Hendricks's motion to strike the answer to

16 the complaint. (Dkt. # 7.) After Mr. Hendricks filed his motion, but before the court

17 ruled, Defendant Dan Spangler filed an amended answer and counterclaim. (Am.

18 Answer (Dkt. # 9)). Mr. Spangler's amended answer appears to address at least some of the

19 the concerns raised in Mr. Hendricks's motion. Accordingly, the court issued a minute

²⁰ order permitting Mr. Hendricks to file a reply memorandum in support of his motion that

²¹ See also the discussion of the "M. S. and J. C. and the 'M. S. and J. C. (Blk. #10)'

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1 In his reply, Mr. Hendricks reasserts that Mr. Spangler's amended answer and
2 counterclaim fail to comply with Federal Rule of Civil Procedure 8(a).

3 Under Rule 8(a), a party's denial must fairly respond to the substance of an
4 allegation. Fed. R. Civ. P. 8(b)(2). If a party intends to deny only part of an allegation it
5 must admit the part that is true and deny the rest. Fed. R. Civ. P. 8(b)(4). Mr. Spangler's
6 amended answer fails to comply with these requirements. Rather, the amended answer
7 consists of a series of factual assertions instead of admissions or denials related to the
8 allegations of Mr. Hendricks's complaint. The court, therefore, GRANTS Mr.
9 Hendricks's motion to strike Mr. Spangler's amended answer and counterclaim. The
10 court further DIRECTS Mr. Spangler to file an answer that is in compliance with Rule
11 8(b) within 15 days of the date of this order.

12 If Mr. Spangler wishes to assert a counterclaim along with his amended answer, it
13 shall be in conformity with Rule 8(a). Any such counterclaim shall contain a short and
14 plain statement of the claim showing that Mr. Spangler is entitled to relief, as well as a
15 demand for the relief sought. Fed. R. Civ. P. 8(a)(2) & (3). Language contained within
16 Mr. Spangler's amended answer and counterclaim, which states that "Spangler . . . wishes
17 to file a counterclaim" (Am. Answer ¶ 2.7), fails to meet this standard.

18 Dated this 30th day of June, 2011.

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20 
21 JAMES L. ROBART
22 United States District Judge